

Summary

The purpose of my thesis called Mediation in Family law disputes is to analyse benefits between mediation process and judicial proceedings and also point out to references of mediation usage in foreign countries.

Another motivation to select this thesis subject is new Act n. 202/2012 Collection of Laws., about mediation.

This thesis is divided into eight chapters.

Opening chapter is focused on family basic function, especially society influence on family as a basic social unit. The further analysis describes bound of marriage from historical point of view, basic principles of Family law and specific position of Family law subjects.

Second chapter defines term conflict, treats of conflict description based on main characteristics. Further analyze is about ways how to resolve conflicts and their justification to have minimum impact on relationships. At the conclusion of this chapter are described conflict mutual influence, communication and mediation.

Third chapter deals with basic mediation aspects, description of basic mediation term, historical evolution from ancient time to the present days and shows different characters between mediation and judicial settlement. End of third chapter is focused on three specific principles in mediation, especially pointing out the benefits which are bringing mediation to the front of social interest.

Fourth chapter describes mediation process concerned to usage of different techniques and specific conditions in mediation process.

Fifth chapter highlights mediator role and necessary qualification requirements which are key to success in mediation process. Additionally in this chapter is mentioned about mediator rewarding and his integration into the professional mediator's chamber with respect to ethical rules.

Sixth chapter contains definition of dispute parties and their legal representation in mediation process concerned to lawyer role.

Seventh chapter describes termination process of marriage and divorce consequences for children. Additionally this chapter is devoted to definition not only to term Family mediation but also to the historical evolution and pointing to family mediation with foreign participant.

The last chapter compares legal modifications of mediation done in Czech Republic, Slovakia and Belgium in mediator's education area and also in three transposition responsibilities described by directive 2008/52/ES of the European Parliament and of The Council. This directive promoted higher interest to apply legislative modifications in mediation as alternative method how to resolve disputes.